 <p style="text-align: center;">Department of Corrections ADMINISTRATIVE BULLETIN</p> <p>Subject: INMATE RESTITUTION DIRECT ORDER COLLECTIONS PHASE II</p>	Number: <p style="text-align: center;">94/04</p>
	Date Issued: <p style="text-align: center;">February 26, 1998</p>
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This Administrative Bulletin (AB) announces the immediate implementation of Phase II of the Restitution system. Phase II includes the collection of direct orders of restitution pursuant to Penal Code Section 2085.5.

- Collections on direct orders of restitution shall not be activated until notified in writing by the Victim Services and Restitution Branch (VSRB) as described in this AB.
- Collection of direct orders of restitution will be done via the Restitution Collection System (RCS) [formerly named the Inmate Restitution Fine Collection System (IRFCS)].
- Direct orders of restitution take precedence over restitution fines. All direct orders of restitution and all restitution fines shall be entered in the RCS, however only one order or fine can be collected at a time.
- All inmates including parole violators housed within CDC institutions with direct orders of restitution are subject to collections upon notification by VSRB.
- Exemptions from the RCS direct order collection processes are identical to the fine collection process as described in AB ___, Revised Inmate Fine Collection System. This includes exemptions of family visit and Temporary Community Leave funds via CDC Form 1839 (5/97).

DIRECT ORDERS OF RESTITUTION

- Ordered pursuant to Penal Code Sections 1202.4; 2085.5; or Government Code Section 13967.
- Usually odd dollar amounts (i.e., \$487 for property loss) or may be large dollar amounts (i.e., \$1,000,000 for damages).
- May be found on the Abstract of Judgment (AOJ), Minute Order (MO), Transcript of Proceedings at the Time of Sentencing, or Court Orders.
- Usually referred to as “victim restitution” or “restitution order directly payable to the victim” or “restitution to victim.”



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IDENTIFICATION OF RESTITUTION ORDERS


Direct orders shall be identified in addition to fines as described in AB XX/XX, with the following exception:

- In addition to reviewing the AOJ, MO, and Transcript of Proceedings at Time of Sentencing, staff shall also review Court Orders for direct orders of restitution.
- CDC Form 1497 (rev. 3/98), Inmate Restitution Fine/Direct Order Collection, shall be used to enter all direct orders of restitution and all restitution fines.
- The CDC Form 112 shall be posted "RESTITUTION ORDER" and must include the date posted, county, case number, dollar amount of the restitution order, and initial's of the Case Records Specialist.
- Adjustments to restitution fine and direct order collections are made by completing CDC Form 1497A (3/98) (Attachment A), Adjustment to Inmate's Restitution Fine/Direct Order Collection.

PAROLE VIOLATOR COLLECTIONS

Institution Trust Office Responsibility:

During processing of an inmate to parole, the Trust Office staff shall make a screen print of the Inmate Trust Account Display (ITAD) indicating the restitution balances in the inmate's trust account and attach it to the CDC Form 102, Release Statement and Clothing Authorization. The ITAD screen print will indicate the outstanding restitution fine balance as of the inmate's release date. The name (acronym) of the releasing institution shall be stamped or written on the ITAD screen print. A copy of the CDC Form 102, (with the attached screen print) shall be forwarded to Case Records within five working days of the inmate's release. Case Records shall place these documents in the central file (in the parole section) prior to the central file being forwarded to the Parole Region. However, the central file shall not be held past 10 days from the inmate's release date.

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Case Records Office responsibility:

If the inmate is a Parole Violator:

- The Case Records Specialist shall review all legal documents for restitution requirements.
- The CDC Form 112 shall be reviewed to determine if all restitution requirements have been posted.
- If the CDC Form 112 is posted and there is an ITAD screen print in the central file (parole section), the screen print shall be noted, with "PV: Received (Date)" and the Case Records Specialist's initials. If the parole violator is housed at a reception center, the ITAD screen print shall be moved to the legal section of the central file. If the parole violator is housed at a mainline institution, the ITAD screen print shall be forwarded to the Trust Office at that institution.
- If the CDC Form 112 is posted but there is no ITAD screen print in the central file, a CDC Form 1497 shall be completed with the "Resubmit" box checked, the date the PV was received, and forwarded to the Trust Office in the institution.
- If the CDC 112 is not posted with the case number and dollar amount, a CDC Form 1497 shall be completed and forwarded to the Trust Office in the institution.

ACTIVATION OF DIRECT ORDER COLLECTIONS

VSRB Responsibility:

After receiving contact from a crime victim requesting that the Direct Order of Restitution be collected, the VSRB staff will:

- Identify and locate the inmate.
- Enter the request into the Victim Services & Restitution Information System (VSRIS).



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- Contact the State Board of Control (BOC) to determine if a claim was filed and if the victim received financial assistance from the BOC.
- Contact the Case Records Manager at the institution where the inmate is housed to determine if a direct order of restitution exists, verify victim information and posting of CDC Form 112.
- Provide Institution and Headquarters Trust Office staff with written request to activate collections on the Direct Order of Restitution.

Case Records Manager responsibility:

Review the AOJ, MO, Transcript of Proceedings at Time of Sentencing, and Court Orders for direct orders of restitution for inmate. If restitution is ordered but not posted on CDC Form 112, the Case Records Manager shall complete a CDC Form 1497, post the CDC Form 112, and forward CDC Form 1497 to the Inmate Trust Office and the inmate via the assigned Correctional Counselor.

Institution Trust Office staff responsibility:

Enter the Direct Order of Restitution into the Restitution Collection System (RCS) using information supplied on CDC Form 1497. Indicate that it is a direct order by inserting a "V" in the "Order" field.

Note: Do not activate collections on direct orders of restitution until notified in writing by VSRB.

- Upon receipt of written notification from VSRB, suspend restitution fine collections, if any, by contacting the Headquarters Restitution Coordinator at the Headquarters Trust Accounting office to change the status of the restitution fine or the direct order to activate direct order collections.
- Remit restitution funds to Headquarters Trust Accounting Office on a monthly basis.
- Collections on direct orders of restitution shall be the same as fines: 20 percent or the balance owing, whichever is less, from all wages and trust account deposits including an



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administrative fee that totals 10 percent of the deduction (2 percent), for a total maximum deduction of 22 percent. The total amount deducted, less the administrative fee, shall be credited against the amount owing on the direct order.

Headquarters Trust Office responsibility:

- Enable the Institution Trust Office to suspend fines and activate direct order collections upon written notification from VSRB.
- Produce monthly remittance checks.
- Provide written instructions, training, and telephone assistance to Institution Trust Office staff on the new procedures for the expanded RCS.
- Assist Institution Trust Office staff with analysis of errors and preparing appropriate corrective entries.

Information Systems Branch Responsibility:

The Information Systems Branch will produce a report and mag tape containing the restitution remittance information on a monthly basis. This data shall be provided to VSRB.

The CDC Form 1497A (3/98) is being printed by Prison Industry Authority (PIA). CDC Form 1497A will be printed on one side of two-part NCR paper and should be ordered from PIA on STD 51, STD 54, or CDC Form 1853 in quantities of 250 sets or more.



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Please inform all persons concerned of the contents of this bulletin which shall remain in effect until incorporated into Department Operations Manual Sections 47130, 61010, and 72010. This bulletin shall be posted in conspicuous locations accessible to offenders in each institution and parole unit. Direct any inquiries regarding this bulletin to Sandi J. Menefee, Chief, Victim Services and Restitution Branch, at (916) 358-2436 or CALNET 474-2436.

TERESA ROCHA
Chief Deputy Director (A)
Support Services

Attachment